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**From:** Bradley M. Marten [bmarten@martenlaw.com]  
**Sent:** 11/17/2019 10:07:11 PM  
**To:** Fremerman, Gary - OGC, Washington, DC [gary.fremerman@usda.gov]; Lisa.O'Hara@deq.idaho.gov; McKenna, Elizabeth [Mckenna.Elizabeth@epa.gov]; Jill Grant [jgrant@jillgrantlaw.com]  
**CC:** Michael Bogert [mbogert@midasgoldinc.com]; John Meyer [JMeyer@midasgoldcorp.com]; Laurel Sayer [lsayer@midasgoldinc.com]; Jonathan E. Rackoff [rackoff@martenlaw.com]  
**Subject:** Agenda for Nov 18 call  
**Attachments:** StibniteSOW[3].docx; 2019-07-25 Draft Stibnite SOW (2) + state comments 11 12 19.docx; 2019-11-13 SBT Comments on Draft SOW for Stibnite Mine RIFS.docx

Elizabeth, Jill, Gary and Lisa:

My thought for the call tomorrow at 10 am is to go through the comments filed by the Shoshone Bannock Tribe, the State of Idaho and the US Forest Service one by one, and to get any comments from EPA and from Midas out on the table and resolved. We should also set up a call to review any additional comments, if any, received from the Nez Perce Tribe. My understanding is that they have been promised, but not before Nov. 26<sup>th</sup>, which is essentially the end of the short Thanksgiving holiday week. Perhaps we can set a call for Monday, December 2 with the goal of finalizing the SOW. Please advise of your availability, at 10 am PST.

Midas will be prepared to have an attorney call next week to discuss the AOC Elizabeth circulated late Friday night. Please let me know your availability Thanksgiving week and we will coordinate schedules.

For ease of reference, I attach the three sets of comments received (as revised or updated), and Midas's comments (sent Saturday, Nov. 16) below. The attachments are from the Forest Service (titled "Stibnite SOW"), the State (titled 2019-07-25 Draft)" and the Shoshone Bannock Tribe (titled 2019-11-13 SBT Comments").

Talk to you tomorrow.

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Jill and Lisa:

Thanks for your comments on the Statement of Work we have been working on with you, EPA and the US Forest Service. In advance of our call on Monday, I am providing these preliminary responses, in order to expedite our call. I anticipate that we can complete the call in an hour or less.

- Shoshone Bannock Tribe comments:
  - Scope

The scope of the RI/FS investigation are the eight areas identified in the "Purpose" section, pp. 1-2. Midas Gold and EPA recognize that implementation of the PRO, once approved, may broaden the scope and EPA (Kathy Cerise) has proposed language to reflect this, to be added to the second paragraph of the Purpose section, which would read as follows:

*In September 2016, Midas Gold filed a Plan of Restoration and Operations ("PRO") with the United States Forest Service ("USFS") for the redevelopment of Stibnite, and plans to undertake mining, mineral processing and restoration activities on portions of the Site that will result in landscape-scale changes to many of the existing Site features. As such, the scope and timing of sampling and other elements of the RI/FS will consider potential mining activities in the PRO, any modifications and subsequent remediation..*

*This will require flexibility in the RI/FS and could require a phased approach to accelerate certain activities.*

We believe that EPA's proposed language addresses your comment. With respect to the request for "some time to review the PRO in its entirety," Midas Gold of course has no objection and is happy to facilitate your review.

- Role of the Tribe in Review Process

In several places, the comments include clarification as to the role of the Tribe (and presumably the other Participants) in reviewing documents submitted under the SOW. The Tribe is correct in concluding that all documents will be submitted for review by the Participants. We understand this to be the understanding of all Participants, and will ask to confirm this on Monday.

- Human Health Risk Assessment

The Tribe has asked to confirm that the human health risk assessment will include "a tribal scenario." Midas Gold has no objection.

- Uranium and Daughter Products

We will defer to EPA on this comment

- Vegetation Results

Seems fine to include these, but we defer to EPA.

- State Comments

We read these as largely consistent with the Tribe's comment on its role in the review process, and have the same understanding as above, to be confirmed on Monday.

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